

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

066491-00007

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on _____

Signature _____

Typed or printed name _____

In re Application of
Robert E. Boyd and James A. ForsythApplication Number
10/686,353Filed
10/14/2003

For Insole Having Multiple Energy Sources

Art Unit
3728Examiner
MohandesApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 510☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:\$ 255☒ A check in the amount of the fee is enclosed. (EFT payment via EFS-Web)☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-0809. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

/David R. Jaglowski/

Signature

☐ assignee of record of the entire interest.See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

David R. Jaglowski

Typed or printed name

☒ attorney or agent of record.Registration number 58,514

(937) 443-6839

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

January 14, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicants : Robert E. Boyd and James A. Forsyth
Appln. No. : 10/686,353
Filed : October 14, 2003
Title : INSOLE HAVING MULTIPLE ENERGY SOURCES
Docket No. : 066491-00007
Art Unit : 3728
Examiner : Mohandesi

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENT TO NOTICE OF APPEAL FORM PTO/SB/31

This paper supplements the form PTO/SB/31 filed herewith.

Claims 1-3, 8-9, 11, 17-27, 32-35, and 37-41 are pending in the application. Claims 1-3, 8-9, 11, 17-27, 32-35, and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0092203 to Hardt ("the Hardt '203 publication") in view of U.S. Patent No. 5,218,056 to Santiyanont et al. ("Santiyanont '056").

Appeal of Selected Claims

The examiner's final rejections of claims 11, 17-18, 37, and 40-41 are appealed pursuant to 37 C.F.R. § 41.31(c). The Applicants' decision not to contest the final rejection of claims 1-3, 8-9, 19-27, 32-35, and 38-39 in the present application shall not be construed as an admission concerning the patentability of the claims omitted from this appeal.

SUPPLEMENT TO PTO/SB/31
Appln. No. 10/686,353
Docket No. 066491-00007

Conclusion

The Commissioner is authorized to charge any additional fees required or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

/David R. Jaglowski/
David R. Jaglowski
Reg. No. 58,514

THOMPSON HINE LLP
P.O. Box 8801
Dayton, Ohio 45401-8801
Telephone: (937) 443-6600
Facsimile: (937) 443-6635
E-mail: IPGroup@ThompsonHine.com
510940.1